

Article - Labor and Employment

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§5–215.

(a) (1) A person adversely affected or aggrieved by any order that the Commissioner passes under this title or any regulation that the Commissioner adopts to carry out this title may file a complaint within 30 days after issuance of the order or regulation to have it modified or set aside.

(2) A complaint filed under this subsection shall be filed in the circuit court for:

(i) Baltimore City; or

(ii) the county where:

1. the employer has its principal office; or

2. the violation allegedly occurred.

(3) A copy of the complaint shall be served on the Commissioner and other affected parties.

(b) In a proceeding under this section, a court may not stay an order or regulation of the Commissioner unless:

(1) the court gives the Commissioner notice and an opportunity for a hearing; and

(2) the aggrieved person posts security and meets each other condition that the court considers proper.

(c) (1) The court shall determine whether an order that the Commissioner passes under this title or regulation that the Commissioner adopts to carry out this title is in accordance with law.

(2) If a finding of the Commissioner on a question of fact is supported by substantial evidence, the finding is conclusive.

(3) A regulation that the Commissioner adopts to carry out this title:

(i) shall be deemed prima facie lawful and reasonable; and

(ii) may not be held invalid because of a technical defect if there is substantial compliance with this title.

(d) (1) At any appropriate time, the Commissioner may file a complaint to enforce any order that the Commissioner passes under this title or regulation that the Commissioner adopts to carry out this title.

(2) A complaint filed under this subsection shall be filed in the circuit court for the county where:

(i) the alleged violation occurred; or

(ii) the employer has its principal office.

(3) To the extent practicable, subsections (a), (b), and (c) of this section shall govern proceedings under this subsection.

(e) A court shall hear a complaint under this section expeditiously.

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